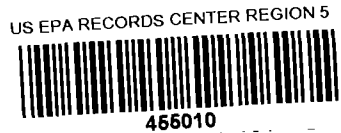


PARR, RICHEY, OBREMSKEY & MORTON
ATTORNEYS AT LAW

121 MONUMENT CIRCLE
SUITE 500
INDIANAPOLIS, INDIANA 46204-2994
(317) 632-3686
FAX (317) 632-3726

JAMES A.L. BUDDENBAUM
CAROL SPARKS DRAKE
JEFFREY H. FRANSEN
KENT M. FRANSEN
ALAN D. HUTCHINSON
WARREN D. KREBS
PAUL S. KRUSE
DON F. MORTON
PETER L. OBREMSKEY
DAVID S. RICHEY
CHARLES W. RITZ
BRIDGET L. ROGERS
LARRY J. WALLACE



W.H. PARR (1876-1967)
ALLEN PARR (1910-1959)
W.H. PARR, JR. (1903-1988)
225 W. MAIN STREET • P.O. BOX 868
LEBANON, INDIANA 46052
(317) 482-0110

November 10, 1989

The Honorable J. F. Greene
Office of Administrative Law Judges
Mail Code A-110
401 "M" Street, S.W.
Washington, D.C. 20460

Re: Gary Development Company, Inc.
Docket No. RCRA-V-W-86-R-45

Dear Judge Greene:

November 6, 1989, I wrote you regarding the possibility of scheduling the remainder of the evidentiary hearing in this matter for the dates of December 14 and 15 at Gary, Indiana. However, I have now received the attached Order by the United States Seventh Circuit Court of Appeals which requires that I submit to the Court a reply brief on behalf of the Appellant Northside Sanitary Landfill on Monday, December 18, 1989. Because the Appellee City of Indianapolis' brief is not due until December 4 and the brief for my client is due the Monday after the Thursday/Friday dates which were being considered for this EPA hearing, I will not now have sufficient time to both prepare this reply brief for the Circuit Court and to prepare and participate in a hearing at Gary. Thus, I would appreciate the hearing not being scheduled during the month of December.

Very truly yours,

PARR, RICHEY, OBREMSKEY & MORTON

By Warren D. Krebs
eu

WDK/eu

Enclosure

cc: Larry Hagen, (w/enc.)
Vice President
Gary Development Company, Inc.
Marc M. Radell, Esq., (w/enc.)
Dr. T. R. West, (w/enc.)

COPIES
NOV 15
10:20

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

PROPOSED

November 2 , 1989 .

NOV 6 1989

W.D.K.

By the Court:

NORTHSIDE SANITARY LANDFILL,
INCORPORATED,
Plaintiff-Appellant,

No. 89-2927 v.
CITY OF INDIANAPOLIS, CITY OF
INDIANAPOLIS BOARD OF PUBLIC WORKS,
and BARBARA S. GOLE, etc.,
Defendants-Appellees.

} Appeal from the United States
District Court for the
Southern District of Indiana
Indianapolis Division
No. 89 C 1
Judge Larry J. McKinney

This matter comes before the court for its consideration of the "MOTION TO FILE INSTANTER" filed herein on November 1, 1989, by counsel for the appellant. On consideration thereof,

IT IS ORDERED that the motion is GRANTED and the clerk of this court is directed to file instanter the tendered copies of the brief and required short appendix of the appellant.

IT IS FURTHER ORDERED that the brief of the appellees will be due by December 4, 1989, and the reply brief of the appellant, if any, will be due by December 18, 1989.

NOTE: The parties are advised that Federal Rule of Appellate Procedure 26(c), which allows for three additional days after service by mail, shall not apply when the due dates of briefs are specifically set by order of this court. All briefs will be due by the dates ordered.

PARR, RICHEY, OBREMSKEY & MORTON
ATTORNEYS AT LAW

DAVID S. RICHEY
PETER L. OBREMSKEY
DON F. MORTON
WARREN D. KREBS
KENT M. FRANDSEN
CHARLES W. RITZ, III
PAUL S. KRUSE
CAROL A. SPARKS
ALAN D. HUTCHINSON
JEFFREY H. FRANDSEN

121 MONUMENT CIRCLE
SUITE 500
INDIANAPOLIS, INDIANA 46204-2994
(317) 632-3686
TELECOPIER (317) 632-3726

LARRY J. WALLACE, OF COUNSEL

W.H. PARR (1876-1967)
ALLEN PARR (1910-1959)
WILLIAM NICHOLS (1946-1980)
W.H. PARR, JR. (1903-1988)

225 W. MAIN STREET • P.O. BOX 666
LEBANON, INDIANA 46052
(317) 482-0110

November 6, 1989

The Honorable J. F. Greene
Office of Administrative Law Judges
Mail Code A-110
401 "M" Street, S.W.
Washington, D.C. 20460

Re: Gary Development Company, Inc.
Docket No. RCRA-V-W-86-R-45

Dear Judge Greene:

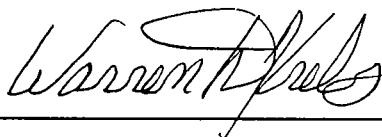
After our conference call on November 1, Marc Radell and I discussed rescheduling. To assure that the evidentiary hearing is completed, we believe that it is preferable to schedule two consecutive hearing dates. As for December, we are both available on December 14 and 15, but we realize that December 15 was not a date presently available on your schedule. Thus, perhaps it is more appropriate to reschedule this matter for two days during January or February, which you indicated might be possible.

As for my schedule, I am presently not available between January 1 and 12, and between February 1 and 9. Also, if possible, I would request that the hearing be reconvened either on a Tuesday or a Thursday because Gary's next witness, Dr. T. R. West, could more easily adjust his class schedule obligations at Purdue University.

Very truly yours,

PARR, RICHEY, OBREMSKEY & MORTON

By



WDK/eu

cc: Marc M. Radell, Esq.
Larry Hagen